

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION**

JEFFERY BUONGIORNO,

Plaintiff,

vs.

CASE NO.: 9:24-cv-80920-AMC

ALEJANDRO MAYORKAS, in his
official capacity as the Secretary of
the United States Department of
Homeland Security, et al.,

Defendants.

**JOINT MOTION FOR LEAVE TO FILE MOTION TO DISMISS
SECOND AMENDED COMPLAINT IN EXCESS OF 20 PAGES**

Defendants James Cord Byrd, in his official capacity as the Secretary of State of the State of Florida (Byrd), Ashley Moody, in her official capacity as the Attorney General of the State of Florida (Moody), Maria Matthews, in her official capacity as the Director of the Division of Elections, Florida Department of State (Matthews), Shevaun Harris, in her official capacity as the Secretary of the Department of Children and Families of the State of Florida, Dave Kerner, in his official capacity as the Chief Administrator of the Florida Department of Highway Safety and Motor Vehicles (Kerner) together with Greg Weiss, in his official capacity as Palm Beach County Commissioner for District 2, Maria Marino, in her official capacity as Palm Beach County Commissioner for District 1, Wendy Sartory Link, in her official capacity as Palm Beach County Supervisor of Elections, and Ric Bradshaw, in his official capacity as the Sheriff for Palm Beach County and Mi Familia Vota (collectively the Defendants), by and through undersigned counsel and pursuant to Fed. R. Civ. P. 7(b) and S.D. Fla. rules 7.1(a)(3) and 7.1(c)(2), request leave to file a Joint Motion to Dismiss the

Second Amended Complaint in excess of 20 pages, and as good cause therefore would show:

1. This Court's paperless Order dated September 26, 2024 [ECF 58] directed the Defendants to file a combined response or individual answers to Plaintiff's Second Amended Complaint [ECF 42] by October 3, 2024.

2. Defendants have drafted and are prepared to file a Joint Motion to Dismiss Second Amended Complaint that is 27 pages in length, which attaches one exhibit which is an additional two pages in length.

3. Southern District Local Rule 7.1(c)(2) provides that "[a]bsent prior permission of the Court, neither a motion and its incorporated memorandum of law nor the opposing memorandum of law shall exceed 20 pages."

4. The Second Amended Complaint is 49 pages long absent any incorporated exhibits and contains 189 paragraphs, not counting the prayer for relief on pages 48 and 49, setting forth a great number of allegations and four separate causes of action against the nine remaining Defendants.

5. The Defendants have worked collaboratively to prepare a single joint motion to dismiss containing all appropriate arguments, but given the number of responding Defendants (nine) and the large number of allegations made against each of them, they are unable to adequately plead a motion to dismiss without exceeding the 20-page limit imposed by S.D. Fla. Rule 7.1(c)(2).

6. The Defendants therefore jointly petition this Court for entry of an Order granting them leave to file a Joint Motion to Dismiss the Second Amended Complaint in excess of 20 pages.

CERTIFICATE OF CONFERAL

Pursuant to S.D. Rule 7.1(a)(3), undersigned counsel for the Defendants hereby certify that they have forwarded this motion to Plaintiff Jeffery Buongiorno, pro se, by email to Jeff@etektraining.com on October 3, 2024. Mr. Buongiorno has advised that he objects to the

requested relief.

Respectfully submitted this 3rd day of October 2024.

ASHLEY MOODY
FLORIDA ATTORNEY GENERAL

/s/ Timothy L. Newhall

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with the Court's CM/ECF system, which provides notice to all parties, and sent by email to Plaintiff Jeff Buongiorno at Jeff@etektraining.com on this 3rd day of October 2024.

/s/ Timothy L. Newhall
Timothy L. Newhall